REMARKS

Applicants appreciate the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed August 19, 2008. Claims 1, 12 and 23 have been amended. No claim is newly added. No new matter is introduced. Thus, Claims 1, 3-12, 14-23 and 25-33 remain pending. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents amendments as well as reasons why Applicants believe that the claimed invention is novel and unobvious over the applied prior art. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Pursuant to Applicant Initiated Interview Request submitted November 3, 2008, a telephonic interview was conducted on November 13, 2008 between Examiner Hussain, Attorney Katharina Schuster and Agent Kevin Gust. During the interview, differences between embodiments as claimed and the prior art were discussed. Examiner Hussain indicated that adding a recitation of an equation to independent claims may be useful in overcoming the prior art. Applicant appreciates the time and effort taken by Examiner Hussain to review Applicant's present application and discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. § 103

Claims 1, 12 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0029275 ("Selgas") in view of Intelligent Miner for Data Application Guide ("Peter"). Applicant respectfully traverses the rejection. Claims 12 and 23 contain similar language as claim 1. Therefore, the rejection will be addressed collectively as it pertains to claim 1.

Claim 1, as amended, recites:

> A method for detecting gaps in data, comprising:
> defining at least a first stream associated with a particular user's activities and a second stream associated with that user's activities from a network topology for presenting a logical website, wherein each of the streams is a logical data source associated with one or more servers, wherein each server has hosts, data locations, or a combination thereof associated with the server,

and wherein each server is responsible for running a different portion of the logical website;

associating incoming data with one of the streams based on a source of the incoming data, wherein the source is one of the one or more servers or one of the hosts or data locations associated therewith and the incoming data comprises data regarding previous activities at one of the one or more servers, hosts, or data locations;

calculating a data loss for each stream, wherein the data loss is calculated between a next event (nextEvent.time) and a last event (lastTime) in the stream;

determining whether each stream has a gap based upon the calculated data loss and a user defined threshold (GAP_TIME), wherein a gap is detected if (nextEvent.time >= (lastTime + GAP_TIME)).

Thus, embodiments of a method for detecting gaps in data may include defining at least a first stream associated with a particular user's activities and a second stream associated with that user's activities from a network topology for presenting a logical website, associating incoming data with one of the streams based on a source of the incoming data, calculating a data loss for each stream, and determining whether each stream has a gap based upon a next event time (nextEvent.time), a last time (lastTime) and a gap time (GAP_TIME). In some embodiments, if (nextEvent.time) is greater than or equal to (lastTime + GAP_TIME), then a gap is detected. In some embodiments, the gap time is a user-defined threshold. In some emboiments, when a gap is detected, the processing of every stream is stopped.

In the rejection, the Examiner stated that Selgas teaches calculating a data loss for every stream and determining whether each stream has a gap based upon the calculated data loss. As discussed in the Examiner Interview conducted on November 13, 2008, Applicant submits that Selgas does not determine whether each stream has a gap based upon a next event time, a last time and a gap time. Instead, Selgas seems to describe reading a network services database and then examining the user's operating system files to determine if any networking options have been installed and whether or not the files, if installed, are correct and configured properly. *See,* Selgas, para. 111. Thus, Selgas is concerned with examining data after the data has been received and stored in memory. In contrast, as submitted above and described in the present application, in embodiments as claimed in claim 1, a gap in a data stream may be determined if the time of the next event available in that stream (nextEvent.time) is past the time of the last event (lastTime) plus the GAP_TIME variable. *See,* Specification, para. 32. Thus, a data stream may be examined to determine if a gap has occurred, which may

indicate data loss in the data stream. For at least these reasons, Applicant respectfully submits that Selgas fails to teach or describe at least the limitation of determining whether each stream has a gap based upon a next event time (nextEvent.time), a last time (lastTime) and a gap time (GAP_TIME), as recited in the claims. Accordingly, withdrawal of this rejection is requested.

Applicant further submits that Peter fails to remedy the deficiencies of Selgas. Peter describes data mining, but does not discuss data streams as the Examiner has suggested. Instead, Peter appears to be concerned with managing customer relationships. For example, Peter describes a methodology used to market to customers (Peter, page 27, Section 3.1, para. 1), associating customer purchase behaviors with their customers' value to shareholders (Peter, page 27, Section 3.1, para. 2), and a business understanding the views of its customers, including demographic and other profiles, to influence behavioral changes through the use of customer rewards (Peter, page 27, Section 3.1, para. 3). Thus, Applicant respectfully submits that the teachings of Peter are concerned with the data itself and thus the combination of Selgas and Peter fails to teach or suggest embodiments as claimed in claim 1.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 and similarly claims 12 and 23 recite subject matter not reached by Selgas and Peter, alone or in combination, under 35 U.S.C. § 103 and therefore should be allowed. Accordingly, withdrawal of this rejection is requested.

Claims 3-6, 14-17 and 25-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Selgas and Peter in view of U.S. Patent Application Publication No. 2002/0095322 (hereinafter "Zarefoss"). As submitted above, Applicant believes that independent claims 1, 12 and 23 recite subject matter not reached by Selgas and Peter, alone or in combination, under 35 U.S.C. § 103. Applicant respectfully submits that claims 4-6, 14-17 and 25-28, depending from nonobvious independent claims, are therefore nonobvious in view of Selgas, Peter, and Zarefoss. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, withdrawal of this rejection is requested.

Claims 7-11, 18-22 and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Selgas, Peter and Zarefoss in view of U.S. Patent Application Publication No. 2006/0271989 ("Glaser"). As submitted above, Applicant believes that independent claims 1, 12 and 23 recite subject matter not reached by Selgas and Peter, alone or in combination,

under 35 U.S.C. § 103. Applicant respectfully submits that claims 7-11, 18-22 and 29-33, depending from nonobvious independent claims, are therefore nonobvious in view of Selgas, Peter, Zarefoss, and Glaser. Accordingly, withdrawal of this rejection is requested.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1, 3-12, 14-23 and 25-33. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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